

EXHIBIT A



U.S. Department of Justice

*United States Attorney
Western District of New York*

*Federal Center
138 Delaware Avenue
Buffalo, New York 14202*

*716/843-5700
fax 716/551-3052
Writer's Telephone: 716/843-5839
Writer's fax: 716/551-3196
Joseph.Tripodi@usdoj.gov*

November 18, 2020

Via Email

Harrington & Mahoney
70 Niagara Street
Buffalo, New York 14202
Attn: James P. Harrington, Esq.

RE: **United States v. Joseph Bongiovanni**
19-CR-227

Dear Mr. Harrington:

The discovery I previously provided on October 23, 2020, which I indicated would be re-provided in a Bates numbered format, is available and ready for pickup at the U.S. Attorney's Office. My prior October 23, 2020, correspondence, and a chart with the Bates numbers corresponding to the discovery, is included in the envelope for pickup.

Additionally, as I indicated during our phone call on November 13, 2020, a cell phone belonging to ~~Anthony Gerace~~ was recently "cracked," that is, searched pursuant to a search warrant after getting through the phone's security features. Thereafter, it was scrubbed by a taint team to ensure no privileged materials were on it due to the volume of information contained in the phone. I received a copy of it on November 13, 2020. While I have not reviewed the phone yet, I am providing it to you in an abundance of caution in the event it contains communications between your client and Anthony Gerace who, as you know by now, is Coconspirator 2 in the Superseding Indictment. It should be noted that Anthony Gerace abandoned the phone and other items seized from his residence as part of his recent plea in federal court.

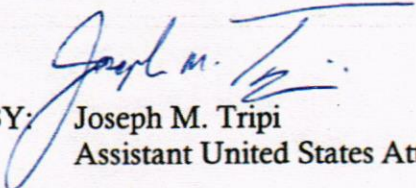
Upon information and belief, ~~Anthony Gerace~~ would deny that your client ever did anything for him. ~~Anthony Gerace~~ is represented by Thomas J. Eoannou, Esq.

These materials are provided pursuant to Rules 12 and 16, and the government's agreement to continue providing voluntary discovery as it becomes available pursuant to Rule 16(c).

If you have any questions, please contact me.

Very truly yours,

JAMES P. KENNEDY, JR.
United States Attorney


BY: Joseph M. Tripi
Assistant United States Attorney

cc: Patrick Brown, Esq. (w/o encls.)

U.S. v. Joseph Bongiovanni, et al .
19-CR-00227-LJV
Discovery for Joseph Bongiovanni ONLY
November 18, 2020
AUSA Joseph Tripi

BEGDOC	ENDDOC	Path Name
GOV-00037301	GOV-00037302	C2-04-145
GOV-00037303	GOV-00037306	HSI ROI-Masecchia Indictment
GOV-00037307	GOV-00037326	Lab Report
GOV-00037327	GOV-00037332	LV DEA CAsE Notification to FBI
GOV-00037333	GOV-00037347	Masecchia REPORTING
GOV-00037348	GOV-00037360	Non-Party_Disclosures\2019-08-23.11-52-42_in SW Pics
GOV-00037361	GOV-00037432	Non-Party_Disclosures\607-160-0000
GOV-00037433	GOV-00037438	Non-Party_Disclosures\89-00000000
GOV-00037439	GOV-00037565	Non-Party_Disclosures\91-00000000 pics
GOV-00037566	GOV-00037578	Non-Party_Disclosures\Complaint
GOV-00037579	GOV-00037582	Non-Party_Disclosures\George Anthony
GOV-00037583	GOV-00037595	Non-Party_Disclosures\HSI Requests_Docs
GOV-00037596	GOV-00037724	Non-Party_Disclosures\Labs
GOV-00037725	GOV-00037825	Non-Party_Disclosures\Police Reports and Checks
GOV-00037826	GOV-00037847	Non-Party_Disclosures\Seized Evidence
GOV-00037848	GOV-00037873	Non-Party_Disclosures\State SWs
GOV-00037874	GOV-00037926	Non-Party_Disclosures\SW Photos
GOV-00037927	GOV-00037931	Non-Party_Disclosures\SW-Range Rover & Person
GOV-00037932	GOV-00037932	Photo of Explosive Devices Seized from Masecchia Residence
GOV-00037933	GOV-00038020	Search Warrant Seizure Report
GOV-00038021	GOV-00038025	Signed Warrant for Masecchia Residence
GOV-00038026	GOV-00038105	Signed Warrants for Masecchia Devices
GOV-00038106	GOV-00038107	Threats_Reno Masecchia
GOV-00038108	GOV-00038108	Turri_Email_Masecchia_Bongiovanni
NON-BATES NUMBERED DISCOVERY		
Non-Party Disclosure_Device Data\Iphone		
Non-Party Disclosure_Device Data\Flip Phone		
Non-Party Disclosure_Device Data\2019-08-23.11-52-42_phone		
Kelly's Korner 11-5-2019		

From: [Tripi, Joseph \(USANYW\)](#)
To: ["jph@harringtonmahoney.com"](mailto:jph@harringtonmahoney.com)
Cc: pjbrown@losi-gangli.com; [Cullinane, Brendan \(USANYW\)](#); [Dickson, Jordan \(CRM\)](#)
Subject: Bongiovanni_Letter to Harrington_18 Nov 2020.pdf
Date: Wednesday, November 18, 2020 12:20:00 PM
Attachments: [Bongiovanni_Letter to Harrington_18 Nov 2020.pdf](#)

Dear Jim,

See attached. There are two thumb drives in the envelope for pickup, one (1) for the Bates numbered discovery and one (1) for the ~~Apple iPhone~~ phone.

Any questions, please call,

Thanks,
Joe



U.S. Department of Justice

*United States Attorney
Western District of New York*

*Federal Center 716/843-5700
138 Delaware Avenue fax 716/551-3052
Buffalo, New York 14202 Writer's Telephone: 716/843-5839
Writer's fax: 716/551-3196
Joseph.Tipiti@usdoj.gov*

October 23, 2020

James P. Harrington, Esq.
70 Niagara Street, Third Floor
Buffalo, NY 14202

RE: **United States v. Joseph Bongiovanni**
19-CR-227-V

Dear Mr. Harrington:

Pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure and the government's agreement to provide voluntary discovery in this matter, enclosed are documents on a thumb drive. Copies of these documents will be reproduced in a Bates stamped format at a later date. The thumb drive contains discovery beyond the strictures of Rule 16, in the following folders:

- C2-04-145
- HSI ROI-Masecchia Indictment
- Kelly's Korner_11-5-2019
- Lab Report
- LV DEA CAsE Notification to FBI
- Masecchia REPORTING
- Non-Party_Disclosures
- Photo of Explosive Devices Seized from Masecchia Residence
- Search Warrant Seizure Report
- Seizure Report
- Signed Warrant for Masecchia Residence
- Signed Warrants for Masecchia Devices
- Threats_Reno Masecchia
- Turri_Email_Masecchia_Bongiovanni

Pursuant to Rule 16(c) of the Federal Rules of Criminal Procedure, we understand our ongoing discovery obligations. If you have any questions regarding any of the documents, please contact me.

Very truly yours,

JAMES P. KENNEDY, JR.
United States Attorney


BY: JOSEPH M. TRIPI
Assistant United States Attorney

JMT/kac
Encls.

Tripi, Joseph (USANYW)

From: jph@harringtonmahoney.com
Sent: Saturday, October 10, 2020 1:43 PM
To: Tripi, Joseph (USANYW)
Cc: Patrick Brown; Cullinane, Brendan (USANYW)
Subject: Re: SWs for MASECCHIA Residence and Electronics SWs

Joe,

Only the first four attachments came through. Please resend the others when you can.

Thanks,
Jim

James P. Harrington
Harrington & Mahoney
70 Niagara Street, 3rd Floor
Buffalo, New York 14202
Ph: 716-853-3700 x214
Facs: 716-853-3710
jph@harringtonmahoney.com
www.harringtonmahoney.com

-----"Tripi, Joseph (USANYW)" <Joseph.Tripi@usdoj.gov> wrote: -----
To: "Patrick Brown" <PJBrown@losi-gangi.com>
From: "Tripi, Joseph (USANYW)" <Joseph.Tripi@usdoj.gov>
Date: 10/09/2020 06:04PM
Cc: "jph@harringtonmahoney.com" <jph@harringtonmahoney.com>, "Cullinane, Brendan (USANYW)" <Brendan.Cullinane@usdoj.gov>
Subject: SWs for MASECCHIA Residence and Electronics SWs

Hi Pat,

Pursuant to Rule 16 and 12 please find search warrants for Masecchia's residence and the electronics seized. I will be sending the extractions from the devices.

Any questions, please call me.

Thanks,

Joseph M. Tripi, Assistant United States Attorney
Chief, Narcotics & Organized Crime Section

U.S. Attorney's Office / WDNY

138 Delaware Avenue

Buffalo, New York 14202

716.843.5839 || fax 716.551.3196

[attachment "Black Iphone SW Masecchia.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "Cricket cell phone and charge cable SW Masecchia.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "Fuji camera SW Masecchia.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "Lenovo Tablet SW MASECCHIA.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "Samsung cell phone with charger Masecchia.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "ZTE Phone SW MASSECCHIA.pdf" removed by James Harrington/Harrington_Mahoney]

[attachment "PRemise 1.pdf" removed by James Harrington/Harrington_Mahoney]

Tripi, Joseph (USANYW)

From: Tripi, Joseph (USANYW)
Sent: Friday, October 9, 2020 6:03 PM
To: Patrick Brown
Cc: 'jph@harringtonmahoney.com'; Cullinane, Brendan (USANYW)
Subject: SWs for MASECCHIA Residence and Electronics SWs
Attachments: Black Iphone SW (Masecchia).pdf; Cricket cell phone and charge cable SW (Masecchia).pdf; Fuji camera SW (Masecchia).pdf; Lenovo Tablet SW (MASECCHIA).pdf; Samsung cell phone with charger (Masecchia).pdf; ZTE Phone SW (MASSECCHIA).pdf; PRemise 1.pdf

Hi Pat,

Pursuant to Rule 16 and 12 please find search warrants for Masecchia's residence and the electronics seized. I will be sending the extractions from the devices.

Any questions, please call me.

Thanks,

Joseph M. Tripi, Assistant United States Attorney
Chief, Narcotics & Organized Crime Section

U.S. Attorney's Office / WDNY
138 Delaware Avenue
Buffalo, New York 14202
716.843.5839 || fax 716.551.3196

Tripi, Joseph (USANYW)

From: Tripi, Joseph (USANYW)
Sent: Friday, October 16, 2020 4:36 PM
To: Patrick Brown
Cc: 'jph@harringtonmahoney.com'; Cullinane, Brendan (USANYW); Dickson, Jordan (CRM)
Subject: Disclosure Letter_ Masecchia Devices_16 Oct 2020.pdf
Attachments: Disclosure Letter_ Masecchia Devices_16 Oct 2020.pdf

Pat and Jim,

See attached. A thumb drive will be at the front desk for pickup.

Also Pat, the thumb drive previously sent to Jim only will be made available to you as well regarding the Bongiovanni devices (see my October 9, 2020 letter).

Thanks,
Joe



U.S. Department of Justice

*United States Attorney
Western District of New York*

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Buffalo, New York 14202*

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Writer's Telephone: 716/843-5839
Writer's fax: 716/551-3196
Joseph.Tripoli@usdoj.gov*

October 9, 2020

Via Email

Harrington & Mahoney
70 Niagara Street
Buffalo, New York 14202
Attn: James P. Harrington, Esq.

RE: **United States v. Joseph Bongiovanni**
19-CR-227

Dear Mr. Harrington:

During voluntary discovery provided May 26, 2020, you were provided "Bongiovanni Personal Cell Phone Extraction", Bates Nos. GOV-6538 through GOV-6971, which is a Samsung Model SM-J337T cell phone. This cell phone is itemized as item "h." on Attachment A to Search Warrant 19-M-1065 (see also GOV-8008 through GOV-18015), which was also provided during that same discovery production. Please be advised that this cell phone and the information extracted therefrom is the only item of electronic evidence we presently intend to introduce from the items described in Attachment A to Search Warrant 19-M-1065.

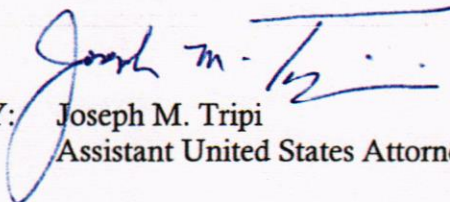
As to items "a. through g." and "i. through o." as described in Attachment A to Search Warrant 19-M-1065, we do not presently intend to introduce any of those items into evidence, or any data extracted therefrom. Complete copies of the items "a. through g." and "i. through o.," to the extent law enforcement was able to copy them, are being provided on a thumb drive that will be available for pickup at the front desk at the U.S. Attorney's Office on Tuesday, October 13, 2020.

Please note that the information and data extraction pertaining to the aforementioned Samsung Model SM-J337T cell phone, which will be introduced at trial, are also re-provided on the thumb drive in folders labeled "Samsung JSM-J337T" and "SIM Card from Samsung JSM-J337T."

If you have any questions, please contact me.

Very truly yours,

JAMES P. KENNEDY, JR.
United States Attorney


BY: Joseph M. Tripi
Assistant United States Attorney

cc: Patrick Brown, Esq. (w/o encls.)



U.S. Department of Justice

*United States Attorney
Western District of New York*

*Federal Center
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Joseph.Tripic@usdoj.gov*

July 10, 2020

Harrington & Mahoney
70 Niagara Street
Buffalo, New York 14202
Attn: James P. Harrington, Esq.

Re: United States v. Joseph Bongiovanni, et al.
19-CR-227

Dear Mr. Harrington:

Pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure, and the government's agreement to provide voluntary discovery and consistent with the provisions of the Protective Order in this case, enclosed please find additional Bates Number Discovery GOV-00024819 to GOV-00037198, as further described in the index attachment to this letter. The discovery is provided as searchable pdfs and native files. The password to open the discovery disc is:

[REDACTED]

If you would like to inspect any physical items described in the discovery, please contact me in order to schedule an appointment. Additional discovery will be provided voluntarily pursuant to Rule 16(c) on a continuing basis as such information is identified by the government.

Very truly yours,

JAMES P. KENNEDY, JR.
United States Attorney

BY: 
Joseph M. Tripi
Chief, Strategic Operations and
Prosecutions Section

U.S. v. Joseph Bongiovanni, et al.**19-CR-00227-LJV****Discovery, July 8 2020****AUSA Joseph Tripi**

BEGIN BATES	END BATES	DOCUMENT SOURCE
GOV-00024819	GOV-00024851	FBI-Financial Discovery-Item 1 PayPal Records Lindsay Bongiovanni
GOV-00024852	GOV-00024881	FBI-Financial Discovery-Item 3 TransUnion Records Joseph & Lindsay Bongiovanni
GOV-00024882	GOV-00028018	FBI-Financial Discovery-Item 4 Bank Buffalo Metro FCU Records Joseph Bongiovanni
GOV-00028019	GOV-00030841	FBI-Financial Discovery-Item 5 Bank of America BOA Records Joseph & Lindsay Bongiovanni
GOV-00030842	GOV-00031637	FBI-Financial Discovery-Item 6 JP Morgan Chase Records Joseph & Lindsay Bongiovanni
GOV-00031638	GOV-00031638	APD Intelligence Submission
GOV-00031639	GOV-00031665	Bongiovanni Arrest
GOV-00031666	GOV-00031669	Bongiovanni Personal Cell Phone
GOV-00031670	GOV-00031685	Bongiovanni SW Aff with his Bio
GOV-00031686	GOV-00031688	Border Crossing Info
GOV-00031689	GOV-00031696	CS Searches and Information
GOV-00031697	GOV-00031787	CS-13-144841
GOV-00031788	GOV-00032293	DEA C2-06-0120
GOV-00032294	GOV-00032356	DEA CS-09-130994
GOV-00032357	GOV-00034450	DEA Files\OPR Buffalo
GOV-00034451	GOV-00034616	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive
GOV-00034617	GOV-00034622	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\CERT 7
GOV-00034623	GOV-00034623	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\CHARGER
GOV-00034624	GOV-00034636	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\COURT DOCS
GOV-00034637	GOV-00034653	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\DEA-6s
GOV-00034654	GOV-00034664	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\DEA-7As
GOV-00034665	GOV-00034728	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\DEA-7s
GOV-00034729	GOV-00034736	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Draft Affidavit- REDACTED
GOV-00034737	GOV-00034818	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Intel
GOV-00034819	GOV-00034880	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Other
GOV-00034881	GOV-00034938	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Photos
GOV-00034939	GOV-00034952	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Recordings\16Sep2014_152037
GOV-00034953	GOV-00034958	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\sears
GOV-00034959	GOV-00035011	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Seizures
GOV-00035012	GOV-00035028	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Shots\Kouri
GOV-00035029	GOV-00035040	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Shots\Shaw
GOV-00035041	GOV-00035081	DEA Files\OPR Buffalo\C2-10-0144 Shared Drive\Wave Files
GOV-00035082	GOV-00035272	DEA Files\OPR Buffalo\C2-13-0026 Shared Drive
GOV-00035273	GOV-00035274	DEA Files\OPR Buffalo\C2-13-0026 Shared Drive\FOIA REQUESTS\20190808
GOV-00035275	GOV-00035372	DEA Files\OPR Buffalo\C2-13-0026 Shared Drive\FOIA REQUESTS\CLEAR
GOV-00035373	GOV-00035464	DEA Files\OPR Buffalo\C2-13-0026 Shared Drive\FOIA REQUESTS\CLEAR
GOV-00035465	GOV-00036750	DEA Files\OPR Buffalo\C2-13-0026 Shared Drive\SUBS\C2-13-453516
GOV-00036751	GOV-00036754	HSI Interview_Lynch
GOV-00036755	GOV-00036757	Investigation Activity Log
GOV-00036758	GOV-00036758	Link Chart
GOV-00036759	GOV-00036799	REDACTED TTPD File
GOV-00036800	GOV-00036805	Masecchia Indictment 20-CR-74
GOV-00036806	GOV-00036873	Mike Masecchia Reporting
GOV-00036874	GOV-00036907	REDACTED
GOV-00036908	GOV-00036925	OIG DARTS PDFs
GOV-00036926	GOV-00036929	Safety Net Docs
GOV-00036930	GOV-00037010	REDACTED DEA_IRS Emails_Dave Turri
GOV-00037011	GOV-00037012	REDACTED DEA Searches
GOV-00037013	GOV-00037013	Toll Analysis Found in File in Bongiovanni's Basement
GOV-00037014	GOV-00037068	USAO Closed Paper Files REDACTED
GOV-00037069	GOV-00037076	USAO Electronic REDACTED Closed File
GOV-00037077	GOV-00037198	REDACTED Search Warrant_25 Nov 2012



U.S. Department of Justice

*United States Attorney
Western District of New York*

*Federal Center
138 Delaware Avenue
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Joseph.Tripit@usdoj.gov*

May 22, 2020

Harrington & Mahoney
70 Niagara Street
Buffalo, New York 14202
Attn: James P. Harrington, Esq.

RE: **United States v. Joseph Bongiovanni**
19-CR-227

Dear Counsel:

Pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure and the government's agreement to provide voluntary discovery in this matter, enclosed please find the following items:

- Phone Records 716-725-1931 (Verizon)
- Phone Records 716-491-4173 (AT&T)
- Phone Records 716-507-2784 (AT&T)
- Phone Records 716-830-3066 (Verizon)
- Phone Records 716-799-7724 (Verizon)
- Phone Records 716-818-0966 (Verizon)
- 85 Alder Place- Search Warrant Photos
- 85 Alder Place- Purchase Information
- ~~Anthony G. Carrico~~- Criminal Complaint
- ~~Anthony G. Carrico~~- HSI 2010 Interview
- ~~Anthony G. Carrico~~- Indictment
- Bank of America Records
- Bongiovanni- 100 Club Award and News Article
- Bongiovanni- Border Crossing information
- Bongiovanni- DEA 6s
- Bongiovanni DEA memos
- Bongiovanni- DEA Emails (IGF PR 19-4021)
- Bongiovanni- HSI Interview ROI
- Bongiovanni- OIG Interviews
- Bongiovanni- Personal Cell Phone Extraction
- Bongiovanni- JPG of list of names found in his basement
- Bongiovanni- Personnel Action

- Bongiovanni- [REDACTED] DEA 6, November 6, 2009
- Bongiovanni- Toronto Trip Facebook Photo
- Bongiovanni- CBP Phone Analysis (redacted) and Phone Border Search
- Bongiovanni- DARTS Audits and Trinity Log
- Bongiovanni- DEA Cell Phone
- Buffalo Gun Center Records
- CBP Phone Extraction of IOC Member (redacted)
- DEA Electronic Retention Policy
- DEA Evidence Box from 85 Alder Place with Scanned Contents
- DEA Mission (sample)
- DEA Oath (sample)
- Erie County Sheriff's Cell Block Video
- Email Chain
- Erie County Pistol Permit Records
- Frontier Airlines Records
- HSI Cell Phone Extraction- [REDACTED] (girlfriend phone)
- HSI Cell Phone Extraction- [REDACTED]
- HSI Cell Phone Extraction- [REDACTED]
- JP Morgan Chase Records
- Lab Reports
- LEXOR Lane- Photos and Seizure Report
- Masecchia- Criminal Complaint
- NYSP Drug Buys- Pharaoh's
- Oxycodone- Memphis, TN Seizure
- Paypal Records
- Consent to Search- Peter Gerace
- [REDACTED]- Voicemail to Bongiovanni
- Pharaoh's- Search Warrant Photos and Police Report
- Photo of Bongiovanni and others
- Search Warrant Photos- 9070 Michael Douglas Drive
- Search Warrant ROI- 9070 Michael Douglas Drive
- Search Warrants
 - 19-MJ-1056
 - 19-5002
 - 19-5154
 - 19-5209
 - 19-5303-01-02
 - 19-M-1065
 - 19-MJ-213
- Snooty Fox Assault Video
- Southwest Airlines Records
- Texts Between [REDACTED] and Bongiovanni
- Transunion Records
- Town of Tonawanda Police Report- [REDACTED]

- Turri Email to Bongiovanni (redacted)
- U.S. Probation- Pharaoh's

Please also be advised that all physical evidence seized from 85 Alder Place is available for your review, although photographs are provided herewith. A box of DEA materials seized from the basement in 85 Alder Place has been scanned and is provided herewith. The original box, and all physical evidence, is available for inspection.

These materials are provided pursuant to the current Scheduling Order and the U.S. Attorney's Office's agreement to provide voluntary discovery pursuant to Rule 16. As we have discussed, these materials are provided subject to a Protective Order whereby you have agreed to retain the materials in your custody and control. This discovery consists of documents with bates range GOV-00000001 through GOV-00024818 (GOV-00000001 through GOV-00024815 is the discovery, GOV-00024816 through GOV-00024818 is the protective order). The discovery is being produced as bates numbered, searchable PDF's and native files. The discovery also contains a folder with cell phone extraction data related to Coconspirators 1, 2, and 3, that has not been bates numbered.

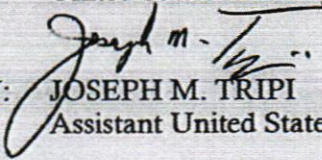
Discovery in this matter will be ongoing and continuing pursuant to Rule 16(c) of the Federal Rules of Criminal Procedure. Additional materials will also be provided pursuant to an "Attorney's Eyes Only" Protective Order. Furthermore, the investigation is continuing and additional files related to cases your client worked on and/or had access to have been requested from DEA. After those materials are received and reviewed, discoverable materials will be provided voluntarily pursuant to Rule 16(c). A discovery index is enclosed as well as directions regarding the flash drive.

Please be advised that the government intends to introduce all evidence provided, made available, and of which you have been made aware, during its case-in-chief at trial.

If you should have any questions, please contact me.

Very truly yours,

JAMES P. KENNEDY, JR.
United States Attorney

BY:  JOSEPH M. TRIPI
Assistant United States Attorney

JMT/kmr
Encls.

U.S. v. Joseph Bongiovanni
19-CR-00227-LJV
Discovery, May 26, 2020
AUSA Joseph Tripi

BEGIN BATES	END BATES	DOCUMENT SOURCE
GOV-00000001	GOV-00003589	716-725-1931 Personal Cell Phone
GOV-00003590	GOV-00003659	85 Alder PI Photos
GOV-00003660	GOV-00003672	85 Alder Place Purchase
GOV-00003673	GOV-00003770	85 Alder Place Search Warrant Seizure Report
GOV-00003771	GOV-00003789	85 Alder Place Complaint
GOV-00003790	GOV-00003795	Anthony Bongiovanni HSI 2010 Interview
GOV-00003796	GOV-00003812	Anthony Bongiovanni Indictment
GOV-00003813	GOV-00003841	AT&T 2830 Bongiovanni 716-507-2784
GOV-00003842	GOV-00003887	AT&T 716-491-4173 ATT Records Key
GOV-00003888	GOV-00006474	BOA (Joseph Bongiovanni) Response 2019-10-29
GOV-00006475	GOV-00006479	Bongiovanni- 100 Club and News Article
GOV-00006480	GOV-00006483	Bongiovanni- Border Crossing
GOV-00006484	GOV-00006488	Bongiovanni DEA 6s
GOV-00006489	GOV-00006525	Bongiovanni DEA Memos
GOV-00006526	GOV-00006533	Bongiovanni HSI Interview
GOV-00006534	GOV-00006537	Bongiovanni OIG Interviews
GOV-00006538	GOV-00006971	Bongiovanni Personal Cell Phone Extraction\Bongiovanni
GOV-00006972	GOV-00006972	Bongiovanni List of Names from File in his Basement
GOV-00006973	GOV-00006974	Bongiovanni Personnel Action
GOV-00006975	GOV-00006976	Bongiovanni Personal Cell Phone DEA 6
GOV-00006977	GOV-00006977	Bongiovanni Toronto Trip Group FB Photo
GOV-00006978	GOV-00006994	Buffalo Gun Center (A Gerace)
GOV-00006995	GOV-00007029	CBP Phone Extraction of IOC member
GOV-00007030	GOV-00007050	CBP Phone Analysis Bongiovanni
GOV-00007051	GOV-00007054	Darts Audits Bongiovanni
GOV-00007055	GOV-00007057	Darts Audits Bongiovanni
GOV-00007058	GOV-00007063	Darts Audits Bongiovanni\Bongiovanni DARTS 2015 through 2019
GOV-00007064	GOV-00007067	Darts Audits Bongiovanni\Bongiovanni Darts January 1, 2008 through December 31, 2010
GOV-00007068	GOV-00007070	Darts Audits Bongiovanni\Bongiovanni DARTS January 2012 to January 2019
GOV-00007071	GOV-00007071	Darts Audits Bongiovanni\Darts Audit [REDACTED]
GOV-00007072	GOV-00007072	Darts Audits Bongiovanni\Darts Audit [REDACTED]
GOV-00007073	GOV-00007599	DEA CELL PHONE Bongiovanni\Cellebrite Report
GOV-00007600	GOV-00015795	DEA CELL PHONE Bongiovanni\Records from OIG Admin Subpoena
GOV-00015796	GOV-00015799	DEA Electronic Retention Policy
GOV-00015800	GOV-00016469	DEA Evidence Box Found in JB Basement Scanned Contents
GOV-00016470	GOV-00016475	DEA Mission
GOV-00016476	GOV-00016477	DEA Oath
GOV-00016478	GOV-00016478	ECSO Video
GOV-00016479	GOV-00016483	Email Chain Ruiling Out [REDACTED] as DEA CS
GOV-00016484	GOV-00016559	Erie County Pistol Permit Bongiovanni
GOV-00016560	GOV-00016563	Frontier Airlines
GOV-00016564	GOV-00017362	JPMorgan -Bongiovanni- 2019R00848-4415-2019
GOV-00017363	GOV-00017363	Lab Report Lorazepam
GOV-00017364	GOV-00017488	Lexor Lane
GOV-00017489	GOV-00017498	Masecchia Complaint
GOV-00017499	GOV-00017561	NYSP UC Buys @ Pharaohs 2015
GOV-00017562	GOV-00017569	Oxycodone Memphis TN
GOV-00017570	GOV-00017580	PayPal
GOV-00017581	GOV-00017596	[REDACTED] Consent to Search
GOV-00017597	GOV-00017597	PG Voicemail to JB
GOV-00017598	GOV-00017679	Pharaohs-Memrobilia Photos-Pharaohs
GOV-00017680	GOV-00017856	Pharaohs-Pharaohs Warrant Pictures
GOV-00017857	GOV-00017858	Pharaohs-Police Report
GOV-00017859	GOV-00017859	Photo w JB, PG, and others
GOV-00017860	GOV-00017860	Photo w JB, PG, and others-Photo with People who Supplied Cocaine Circled
GOV-00017861	GOV-00017972	Search Warrant Photos 9070 Michael Douglas Drive
GOV-00017973	GOV-00017978	Search Warrants\SW 19 m 1056
GOV-00017979	GOV-00017982	Search Warrants\SW 19-5002
GOV-00017983	GOV-00017987	Search Warrants\SW 19-5154
GOV-00017988	GOV-00017997	Search Warrants\SW 19-5209
GOV-00017998	GOV-00018007	Search Warrants\SW 19-5303-01-02
GOV-00018008	GOV-00018015	Search Warrants\SW 19-M-1065

BEGIN BATES	END BATES	DOCUMENT SOURCE
GOV-00018016	GOV-00018039	Search Warrants\SW 19-mj-213
GOV-00018040	GOV-00018040	Snooty Fox Assault Video
GOV-00018041	GOV-00018044	Southwest Airlines
GOV-00018045	GOV-00018048	SW ROI 9070 Michael Douglas Drive
GOV-00018049	GOV-00018086	Texts between [REDACTED] and Bongiovanni
GOV-00018087	GOV-00018116	TransUnion (Bongiovanni)
GOV-00018117	GOV-00018124	TTPD Report Sinatra
GOV-00018125	GOV-00018125	Turri Email Masecchia Bongiovanni
GOV-00018126	GOV-00018127	USPO Pharaohs
GOV-00018128	GOV-00018403	Verizon 716-830-3066
GOV-00018404	GOV-00021327	Verizon 2832 Anthony Gerace
GOV-00021328	GOV-00021976	Verizon 2949 DEA Bongiovanni
GOV-00021977	GOV-00024815	IGF-PR-19-4021 Findings Bongiovanni DEA Emails
GOV-00024816	GOV-00024818	Protective Order
CELLULAR TELEPHONE EXTRACTION DATA		
HSI Cell Phone Extraction- [REDACTED]		
HSI Cell Phone Extraction- [REDACTED]		
HSI Cell Phone Extraction- [REDACTED]		

EXHIBIT B



U.S. Customs and Border Protection
U.S. Department of Homeland Security
TECS - Secondary Inspection Report

06/11/2020 08:00 EDT

Generated By: GERNATT, JACK

Page 1 of 1

Referral Source				
Referred By	Referred Date	Referred Time	Referred From	
NNAKWE, JOSEPH	04/23/2019	20:19 EDT	Primary Airport	
Referral Reason				
ER- ONE DAY LOOKOUT HIT FOR BC SEC				
Encounter - 102145192				
Last Name	First Name	DOB		
BONGIOVANNI	JOSEPH SAMUEL	[REDACTED]/1964		
Carrier Code	Flight / Vessel Number	Inbound / Outbound		
WN - SOUTHWEST AIRLINES (TEXAS)	812	I - Inbound		
Hispanic	Gender	Race	Travel Document Presented	Lost / Stolen Document
No	M - Male	W - WHITE	Yes	No
Doc Number	Doc Type	Issuing Country		
[REDACTED]	P - PASSPORT	USA - UNITED STATES		
State/Province	Nationality	City of Birth	Country of Birth	
	USA - UNITED STATES			
Father's Last Name	Father's First Name	Father's Middle Name		
Mother's Last Name	Mother's First Name	Mother's Middle Name		
Baggage				
Secondary Officer Name		Site Id		
WACHSTEIN, STEVEN		A131		
Inspection Start Date and Time		Inspection End Date and Time		
04/23/2019 21:42 EDT		04/23/2019 21:43 EDT		
FinCEN FORM 105		Currency Amount (USD)		
Flight / Vessel Crew				
No				
Departure / Destination				
PUJ - PUNTA CANA, DOM REP				
Embarkation				
PUJ - PUNTA CANA, DOM REP				
No. of Passengers on Declaration	Bag Exam	Number of Bags X-Rayed		
3	Yes			
Personal Search	Positive / Negative Inspection	CCD Used	X-Ray/NII Utilized for this Inspection	
No	N - Negative	No	No	
Category				
Violation Codes				
Related Document Number		Create Incident Log	Incident Log Report Number	
		No		
SAS Number	Create EMR	EMR Number		
	Yes	[REDACTED]		
Referring Officer Code	ADIS Code	Reason for Referral Code		
PAU - PASSENGER ANALYTICAL UNIT		TTR - TACTICAL TERRORISM RESPONSE TEAM		
Baggage Inspection Complete		Create PLOR		
Yes		No		

For Official Use Only / Law Enforcement Sensitive



U.S. Customs and Border Protection
U.S. Department of Homeland Security

TECS - Secondary Inspection Report

06/11/2020 08:00 EDT

Generated By: GERNATT, JACK

Page 2 of 1

Comments History

Entered By: WACHSTEIN, STEVEN | **Created Date/Time:** 04/24/2019 16:38 EDT
 UNABLE TO CLOSE ON PREVIOUS DAY DUE TO PENDING IOEM

Entered By: WHITFIELD, CHRISTOPHER | **Created Date/Time:** 04/23/2019 21:43 EDT

Subject and his family were referred to secondary as match to a one-day customs lookout. Subject is returning from a 6 day trip to Punta Cana, Dominican Republic. He traveled with his wife, Lindsay Schuh, DOB ~~11/02/1984~~ 11/02/1984, USC, and her son, Matthew Maglietto, DOB ~~06/27/2002~~ 06/27/2002, USC. They stayed at the Majestic Mirage resort. This is their first trip to the Dominican Republic. They are returning to their home in Buffalo, NY. Subjects had a total of 6 bags in their possession which were searched with negative results. Subject and his wife had Samsung cell phones which were subjected to search in accordance with agency policy due to the one-day lookout. Subject had a Samsung model SM-J337T, IMEI 354272090809267, phone number 716-507-2784, and his wife had Samsung model SM-G960U, IMEI 354825091177901, phone number ~~716-507-6349~~ 716-507-6349. Both unlocked the devices without providing the passwords, and each disabled wireless communications on their respective devices. They were provided with the IOEM tear sheet. The phone exam began at approximately 2105 hours, but not in the presence of the subjects. DOMEX was attempted with the approval of WC Candela, but was unsuccessful. CBPOs Carter and Sadowski along with WC Candela conducted a basic search of the devices, which yielded no derogatory information. Subjects were released without incident at 2120 hours.

Referral Reason History

Referred By: NNAKWE, JOSEPH | **Referred Date/Time:** 04/23/2019 20:19 EDT | **Referred From:** Primary Airport
 ER- ONE DAY LOOKOUT HIT FOR BC SEC

EXHIBIT C

AO 93 (Rev. 11/13) Search and Seizure Warrant

United States District Court

for the
Western District of New York

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address.)

85 Alder Place, Kenmore, New York including curtilage

Case No. 19-M-5154

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York (identify the person or describe the property to be searched and give its location):

85 Alder Place, Kenmore, New York including curtilage, which is more fully described and pictured in Attachment A, attached hereto and incorporated by reference herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence as more fully set forth in Attachment B, attached hereto and incorporated by reference herein.

All of which are evidence, fruits, and instrumentalities of a violations of Title 18, United States Code, Sections 1962(c), 1962(d), 1503, 1001, 201(b)(2)(C), 922(g)(3), 4, 3, and 2, and Title 21, United States Code, Sections 844, 856(a)(1), 846. [and all of which are more particularly described in the application for this warrant which is incorporated herein by reference].

YOU ARE COMMANDED to execute this warrant on or before June 14, 2019
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Sufficient cause has been established to justify entry without compliance with the knock and announcement requirement.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. Michael J. Roemer
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: May 31, 2019

City and State: Buffalo, New York

Michael J. Roemer
Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE
Printed name and Title

ATTACHMENT A

DESCRIPTION OF PREMISES TO BE SEARCHED

The subject premises to be searched is a single-family residence located at 85 Alder Place, Tonawanda, New York. The structure is a split-level residence with tan siding, tan brick, brown shutters, a brown roof, a brown garage door, and white trim. The number "85" is visible to the right of the front door.



ATTACHMENT B

SCHEDULE OF ITEMS TO BE SEIZED

- a. Controlled substances, including cocaine and marijuana, and scales, plastic bags, cutting agents, and utensils;
- b. Firearms and ammunition;
- c. Books, records, receipts, notes, ledgers, airline tickets, money orders, and other papers relating to the transportation, ordering, sale and distribution, and possession of controlled substances, including cocaine;
- d. Documents, publications, literature, audio recordings (in digital and traditional form), videotapes (in digital and traditional form), photographs, and other audio, visual, and physical evidence of membership or association with organized crime, including IOC and the Buffalo LCN Family;
- e. Surveillance and recording equipment to include cameras, laptops, computers, electronic storage devices, and monitors;
- f. Bank account records, wire transfer receipts and records, Automated Teller Machine (ATM) receipts, bank statements, safety deposit box keys and records, financial records and foreign currency;
- g. Mobile telephones, smart phones, and other communication devices;
- h. Computers, routers, and any devices capable of connecting to the internet;
- i. Photographs and any devices capable of taking a photograph;
- j. Notes and ledgers relating to association, and illegal activities of members or associates of organized crime, including IOC and the Buffalo LCN Family;
- k. Personal telephone and address books and lists, photographs, videotapes, letters, cables, telegrams, personal notes and other items reflecting names, addresses, telephone numbers, communications, association, and illegal activities of members or associates of organized crime, including IOC and the Buffalo LCN Family;
- l. Quantities of cash;

- m. Documents, records and items of personal property that tend to demonstrate the ownership and/or possession of the searched premises;
- n. Financial instruments, keys to safe deposit boxes, precious metals, jewelry, and other items of value, proceeds of cocaine transactions, records and documents of financial transactions and/or banking records and statements relating to obtaining, transferring, secreting or spending of sums of money made from unlawful activity.
- o. Records of telephone calls contained in billing statements, addresses and telephone numbers in books and papers which reflect names, addresses, and telephone numbers and photographs;
- p. Paraphernalia for the packaging, diluting, cutting, weighing, processing and distributing of cocaine and marijuana, including scales, plastic bags, cutting agents and utensils, baking soda, and materials used to process cocaine; and,
- q. During the course of the search, photographs and/or video recordings of the searched premises may also be taken to record the condition thereof and/or the location of items therein.

EXHIBIT D

AO 93 (Rev. 11/13) Search and Seizure Warrant

United States District Court
for the
Western District of New York

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address.)

JOSEPH BONGIOVANNI

Case No. 19-mj-1056

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York (identify the person or describe the property to be searched and give its location):

JOSEPH BONGIOVANNI (see Attachment A attached hereto and incorporated herein by reference)

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B attached hereto and incorporated herein by reference

All of which are evidence, fruits, and instrumentalities of a violations of Title 18, United States Code, Sections 1962(c), 1962(d), 1503, 1001, 201(b)(2)(C), 922(g)(3), 4, 3, and 2, and Title 21, United States Code, Sections 844, 856(a)(1), 846. and all of which are more particularly described in the application for this warrant which is incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before _____
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. Jeremiah J. McCarthy.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 6/4/19 4:05 PM

City and State: Buffalo, New York


Judge's signature
HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and Title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.: 19-mj-1056

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

ATTACHMENT A

DESCRIPTION OF JOSEPH BONGIOVANNI

JOSEPH BONGIOVANNI is a former DEA Special Agent known to reside at 85 Alder Place, Kenmore, New York, which is pictured below. BONGIOVANNI's date of birth is xx/xx/1964, and he is 54 years old. A photograph of BONGIOVANNI is also set forth below.



ATTACHMENT B

SCHEDULE OF ITEMS TO BE SEIZED

- a. Controlled substances, including cocaine and marijuana, and scales, plastic bags, cutting agents, and utensils;
- b. Firearms and ammunition;
- c. Books, records, receipts, notes, ledgers, airline tickets, money orders, and other papers relating to the transportation, ordering, sale and distribution, and possession of controlled substances, including cocaine;
- d. Documents, publications, literature, audio recordings (in digital and traditional form), videotapes (in digital and traditional form), photographs, and other audio, visual, and physical evidence of membership or association with organized crime, including IOC and the Buffalo LCN Family;
- e. Surveillance and recording equipment to include cameras, laptops, computers, electronic storage devices, and monitors;
- f. Bank account records, wire transfer receipts and records, Automated Teller Machine (ATM) receipts, bank statements, safety deposit box keys and records, financial records and foreign currency;
- g. Mobile telephones, smart phones, and other communication devices;
- h. Computers, routers, and any devices capable of connecting to the internet;
- i. Photographs and any devices capable of taking a photograph;
- j. Notes and ledgers relating to association, and illegal activities of members or associates of organized crime, including IOC and the Buffalo LCN Family;
- k. Personal telephone and address books and lists, photographs, videotapes, letters, cables, telegrams, personal notes and other items reflecting names, addresses, telephone numbers, communications, association, and illegal activities of members or associates of organized crime, including IOC and the Buffalo LCN Family;
- l. Quantities of cash;

- m. Documents, records and items of personal property that tend to demonstrate the ownership and/or possession of the searched premises;
- n. Financial instruments, keys to safe deposit boxes, precious metals, jewelry, and other items of value, proceeds of cocaine transactions, records and documents of financial transactions and/or banking records and statements relating to obtaining, transferring, secreting or spending of sums of money made from unlawful activity.
- o. Records of telephone calls contained in billing statements, addresses and telephone numbers in books and papers which reflect names, addresses, and telephone numbers and photographs;
- p. Paraphernalia for the packaging, diluting, cutting, weighing, processing and distributing of cocaine and marijuana, including scales, plastic bags, cutting agents and utensils, baking soda, and materials used to process cocaine; and,
- q. During the course of the search, photographs and/or video recordings of the searched premises may also be taken to record the condition thereof and/or the location of items therein.

EXHIBIT E

United States District Court

for the
Western District of New York

In the Matter of the Search of

ELECTRONIC DEVICES and storage media seized on June 6, 2019, from 85 Alder Place, Kenmore, New York, as described in the affidavit is support of the search warrant application and in Attachment A, which is attached hereto and incorporated herein by reference.

Case No. 19-M-1065

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York (*identify the person or describe the property to be searched and give its location*):

ELECTRONIC DEVICES and storage media seized on June 6, 2019, from 85 Alder Place, Kenmore, New York, as described in the affidavit is support of the search warrant application and in Attachment A, which is attached hereto and incorporated herein by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

See Attachment B, attached hereto and incorporated herein by reference.

All of which are evidence, fruits, and instrumentalities of a violations of Title 18, United States Code, Sections 1962(c), 1962(d), 1503, 1001, 201(b)(2)(C), 922(g)(3), 4, 3, and 2, and Title 21, United States Code, Sections 844, 856(a)(1), 846, and all of which are more particularly described in the application for this warrant which is incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before 6/21/19
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. Leslie G. Foschio.

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

☐ for _____ days (*not to exceed 30*). ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 6/2/19 4:30 PM

Judge's signature

City and State: Buffalo, New York

HONORABLE LESLIE G. FOSCHIO
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.: 19-M-

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

ATTACHMENT A

The property to be searched consists of the following:

- a. Samsung Galaxy S4 cell phone;
- b. Samsung Galaxy S5 cell phone;
- c. Blackberry Bold cell phone;
- d. Two Digital Recorders and Accessories;
- e. Kodak Digital Camera;
- f. Samsung cell phone;
- g. LG My Touch cell phone;
- h. Samsung Model SMJ337T cell phone;
- i. Samsung Tablet, Model SMT520;
- j. Thumb Drive and DEA Disc;
- k. Three CDs and one Thumb Drive;
- l. Dell Laptop serial number 2JNXPF1;
- m. Samsung Tablet serial number R52G61RTJXL;
- n. Dell Inspiron 531 Tower with one thumb drive currently plugged into it; and
- o. HP Pavilion all in one PC computer, serial number 4C14510XNP, with three thumb drives currently plugged into it.

These electronic devices and storage media are currently located at the Homeland Security Investigations office, Buffalo, New York, in the Western District of New York.

This warrant authorizes the forensic examination of the electronic devices and storage media for the purpose of identifying the electronically stored information described in Attachment B.

LCF
USMJ

ATTACHMENT B

1. All records on the electronic devices and/or storage media described in Attachment A that relate to violations of Title 18, United States Code, Sections 1962(c), 1962(d), 1503, 1001, 201(b)(2)(C), 922(g)(3), 4, 3, and 2, and Title 21, United States Code, Sections 844, 856(a)(1), 846 and involve JOSEPH BONGIOVANNI, including:

- a. Any information relating to records of telephone calls, including incoming, outgoing, and missed calls, phone contact addresses, email addresses and telephone numbers in directories, documents and files which reflect names, email addresses, addresses, telephone numbers and objects related to Italian Organized Crime (IOC), the Buffalo LCN Family, drug trafficking, and members and associates of IOC, the Buffalo LCN Family, and drug trafficking and drug trafficking associates, including photos, and videos stored on the electronic devices or in any memory cards, including SD cards;
- b. Any information, including photos, videos, notes, chats, ledgers and other evidence relating to association with IOC, the Buffalo LCN Family, or associates involved in drug use, possession, and importation;
- c. Any information relating to IOC, the Buffalo LCN Family, or individuals involved in drug use, possession, and importation including emails, email addresses, contact lists, and email and other communication with members and associates of IOC, the Buffalo LCN Family, and individuals involved in drug use, possession, and importation;
- d. IP addresses used to access the internet;
- e. Any information or records related to currency, items of value, banking, and payment information, including all bank records, checks, credit card bills, account information, and other financial records;

*LOF
WMS*

- f. Any information or records relating to interstate and international travel, alone and with others, and BONGIOVANNI's schedule, calendar, and/or meetings;
 - g. Any information or records related to DEA files maintained by BONGIOVANNI stored on electronic devices and/or on storage media;
 - h. Any information, including text messages, photos, videos, emails, chats, and social media and emails contained in the cellular telephones and SD cards related to members and associates of IOC, the Buffalo LCN Family, and drug trafficking and drug trafficking associates;
 - i. Any information or internet searches related to members and associates of IOC, the Buffalo LCN Family, and drug trafficking and drug trafficking associates, and/or investigation of IOC, the Buffalo LCN Family, and drug trafficking and drug trafficking associates, and searches related to witnesses or individuals suspected of being witnesses or informants in investigations of IOC, the Buffalo LCN Family, and drug trafficking and drug trafficking associates; and
 - j. Any information or records regarding the ownership, possession, and user attribution of the searched items.
2. Evidence of user attribution showing who used or owned the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;
3. Records evidencing the use of the Internet Protocol addresses to communicate with Yahoo mail servers, Google mail servers, the Apple iCloud, Drug Enforcement Agency (DEA) computers or servers, including:

- a. records of Internet Protocol addresses used;
- b. records of Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

v.

19-M- 1065

ELECTRONIC DEVICES AND STORAGE
MEDIA SEIZED ON JUNE 6, 2019, FROM 85
ALDER PLACE, KENMORE, NEW YORK, AS
DESCRIBED IN THE AFFIDAVIT IS SUPPORT
OF THE SEARCH WARRANT APPLICATION
AND IN ATTACHMENT A

ORDER

Pursuant to Rule 41(d) of the Local Rules of Criminal Procedure for the Western District of New York, and for good cause shown, the Search Warrant, Search Warrant Application, Search Warrant Affidavit and inventory return shall remain under seal until further order of the Court.

NOW, upon the request of the government, it is hereby

ORDERED that this matter will remain sealed until further order of the Court.

DATED: Buffalo, New York, June 7, 2019


HONORABLE LESLIE G. FOSCHIO
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

The property to be searched consists of the following:

- a. Samsung Galaxy S4 cell phone;
- b. Samsung Galaxy S5 cell phone;
- c. Blackberry Bold cell phone;
- d. Two Digital Recorders and Accessories;
- e. Kodak Digital Camera;
- f. Samsung cell phone;
- g. LG My Touch cell phone;
- h. Samsung Model SMJ337T cell phone;
- i. Samsung Tablet, Model SMT520;
- j. Thumb Drive and DEA Disc;
- k. Three CDs and one Thumb Drive;
- l. Dell Laptop serial number 2JNXPF1;
- m. Samsung Tablet serial number R52G61RTJXL;
- n. Dell Inspirion 531 Tower with one thumb drive currently plugged into it; and
- o. HP Pavilion all in one PC computer, serial number 4C14510XNP, with three thumb drives currently plugged into it.

These electronic devices and storage media are currently located at the Homeland Security Investigations office, Buffalo, New York, in the Western District of New York.

This warrant authorizes the forensic examination of the electronic devices and storage media for the purpose of identifying the electronically stored information described in Attachment B.